




RAVALLI COUNTY ATTORNEY

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TO: Jennifer De Groot, Planning Department
CC: Ravalli County Commissioners ✓
FROM: Alex Beal, Deputy 
DATE: February 22, 2008
RE: Agricultural Property Question

RECEIVED

FEB 22 2008

Ravalli County Commissioners

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You have asked for my opinion regarding parcel 884300 in Victor, owned by Don Buelke. This parcel, originally 14.68 acres was created in 1976 and has a notation on the plat that it is for "agricultural purposes." This parcel was split a number of years ago by the use of an occasional sale. Mr. Buelke would like to place a house on the remaining 6.68 acre parcel.

The answer to this question requires knowledge of the laws in place at the time of the 1976 filing. Thus R.C.M. 11-3862 (1975) is the controlling statute. R.C.M. 11-3862(6)(c) stated that for those parcels created through the agricultural exemption, "[a]ny change in use of the land for anything other than agricultural purposes subjects the division to the provisions of this chapter." The Plat approval document makes clear that it was a non-residential split, granted with an agricultural restriction. As such, the laws in place at the time of the division require that it proceed through the subdivision process if the agricultural restrictions are to be lifted. That will require it to go through the minor-subdivision process under our regulations in place currently.